



City of Seattle

Seattle Police Department

July 10, 2013

Phil Mocek
MuckRock News
Dept MR 4902
PO Box 55819
Boston, MA 02205-5819

RE: Public Disclosure Appeal PDR #2013-742

Mr. Mocek,

The Seattle Police Department (SPD) Legal Unit has received your appeal of the SPD Public Disclosure Unit's (PDU) response to your public disclosure request dated March 8, 2013, in which you requested certain records reviewed by the Police Intelligence Auditor David Boerner on July 25, 2012. The SPD PDU responded to your request with an itemized list that corresponded with each specific request that you included in the above noted public disclosure request.

The SPD Legal Unit researched your appeal, in which you appealed the determination of this records request, as no specific exemption was cited as rationale for withholding (in full) items #2, #5, and #6. I have interpreted your appeal to be for the exemptions that were inadvertently omitted from PDU's initial response to you. Below, please find the applicable exemptions and corresponding explanations for item numbers 2, 5, and 6, which are consistent with the numbers listed in SPD's response to you for this request.

- Item #2: Bulletins – The actual bulletins are exempt from disclosure and the purpose of an intel audit is for the auditor to review materials that would not otherwise be available to the public. However, in the interest of providing as much information as possible, please note that there are 27 bulletins that were reviewed. Therefore, these bulletins are exempt as they are essential to effective law enforcement; see RCW 42.56.240(1).
- Item #5: Seattle Shield – This information was determined to not be covered by the Audit and doesn't require an authorization under SMC 14.12.150. However, as a courtesy, Mr. Boerner did review 4 records under this category. All 4 records are classified as open and active investigations and are therefore exempt from disclosure. See RCW 42.56.240(1), as well as *Newman v. King County* and *Cowles Publishing Co. v. Spokane Police Department*.
- Item #6: Authorizations – This has been determined to be the most sensitive information reviewed and is not available to the public as it covers what the Unit is currently investigating and is not available to the public. Therefore, these records are exempt as they are essential to effective law enforcement; see RCW 42.56.240(1).

July 10, 2013

This correspondence closes your public disclosure appeal with SPD.

Sincerely,

Jim Pugel
Chief of Police

A handwritten signature in cursive script, appearing to read "Shawna Skjonsberg-Fotopoulos".

Shawna Skjonsberg-Fotopoulos
Legal Advisor